

Amendments to Senate Bill No. 306  
1st Reading Copy

Requested by Senator John Esp

For the Senate Natural Resources Committee

Prepared by Sonja Nowakowski  
February 13, 2009 (2:22pm)

1. Title, page 1, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "76-3-103"

**Insert:** "AND 76-3-609"

2. Page 1, line 9 through line 10.

**Strike:** "A" on line 9 through "remainder" on line 10

**Insert:** "Only one remainder may be created from a subdivision or  
the use of an exemption under 76-3-201 or 76-3-207"

3. Page 1, line 12.

**Strike:** "immediate transfer"

**Insert:** "sale, lease, or creating a security interest under 76-3-  
201(1) (b) "

4. Page 1, line 13.

**Strike:** "1 year"

**Insert:** "18 months"

5. Page 1, line 21.

**Strike:** "subdivider resides"

**Insert:** "subdivider's primary residence is"

6. Page 1, line 22 through line 23.

**Strike:** "subdivider" through "remainder;" on line 23

**Insert:** "remainder is taxed for agricultural purposes under Title  
76, chapter 2, part 9; or"

7. Page 1, line 24 through line 30.

**Strike:** ";" on line 24 through "or" on line 25

**Insert:** "."

8. Page 1, line 26 through line 27.

**Strike:** line 26 through line 27 in their entirety

9. Page 4.

**Following:** line 8

**Insert:** "Section 3. Section 76-3-609, MCA, is amended to read:  
"76-3-609. Review procedure for minor subdivisions --

**determination of sufficiency of application -- governing body to adopt regulations.** (1) Minor subdivisions must be reviewed as provided in this section and subject to the applicable local regulations adopted pursuant to 76-3-504.

(2) If the tract of record proposed to be subdivided has not been subdivided or created by a subdivision under this chapter or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201, or 76-3-207, or [section 1] since July 1, 1973, then the proposed subdivision is a first minor subdivision from a tract of record and, when legal and physical access to all lots is provided, must be reviewed as follows:

(a) Except as provided in subsection (2)(b), the governing body shall approve, conditionally approve, or deny the first minor subdivision from a tract of record within 35 working days of a determination by the reviewing agent or agency that the application contains required elements and sufficient information for review. The determination and notification to the subdivider must be made in the same manner as is provided in 76-3-604(1) through (3).

(b) The subdivider and the reviewing agent or agency may agree to an extension or suspension of the review period, not to exceed 1 year.

(c) Except as provided in subsection (2)(d)(iii), an application must include a summary of the probable impacts of the proposed subdivision based on the criteria described in 76-3-608(3).

(d) The following requirements do not apply to the first minor subdivision from a tract of record as provided in subsection (2):

(i) the requirement to prepare an environmental assessment;  
(ii) the requirement to hold a hearing on the subdivision application pursuant to 76-3-605; and

(iii) the requirement to review the subdivision for the criteria contained in 76-3-608(3)(a) if the minor subdivision is proposed in the portion of a jurisdictional area that has adopted zoning regulations that address the criteria in 76-3-608(3)(a).

(e) The governing body may adopt regulations that establish requirements for the expedited review of the first minor subdivision from a tract of record. The following apply to a proposed subdivision reviewed under the regulations:

(i) 76-3-608(3); and  
(ii) the provisions of Title 76, chapter 4, part 1, whenever approval is required by those provisions.

(3) Except as provided in 76-3-616 and subsection (4) of this section, any minor subdivision that is not a first minor subdivision from a tract of record, as provided in subsection (2), is a subsequent minor subdivision and must be reviewed as provided in 76-3-601 through 76-3-605, 76-3-608, 76-3-610 through 76-3-614, and 76-3-620.

(4) The governing body may adopt subdivision regulations that establish requirements for review of subsequent minor subdivisions that meet or exceed the requirements that apply to the first minor subdivision, as provided in subsection (2) and this chapter.

(5) (a) Review and approval, conditional approval, or denial of a subdivision under this chapter may occur only under those regulations in effect at the time that a subdivision application is determined to contain sufficient information for review as provided in subsection (2).

(b) If regulations change during the period that the application is reviewed for required elements and sufficient information, the determination of whether the application contains the required elements and sufficient information must be based on the new regulations."

{ Internal References to 76-3-609:

76-1-103A      76-3-504x      76-3-601\*x      76-3-603x

76-3-605x      76-3-608x      76-3-620x }"

**Renumber:** subsequent section

- END -